

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. AMANDA LUKES, DC

Plaintiff,

Civil Case No.:
6:18-cv-6613(MAT)

-vs.-

KRE PUBLISHING, LLC and
RYAN BREEN

Defendants.

**ORDER AWARDING DEFAULT JUDGMENT,
COMPELLING AN ACCOUNTING
AND GRANTING OTHER RELIEF**

UPON THE MOTION OF PLAINTIFF, DR. AMANDA LUKES, DC, for an Order awarding Default Judgment and other related relief against Defendant KRE Publishing, LLC and Defendant Ryan Breen ("***Defendants***"), it is hereby determined, adjudged and ordered:

WHEREAS, the Summons and Complaint in this action were filed on August 23, 2018, and Defendants were served with a copy of the Summons and Complaint on September 8, 2018. Adequate proof of such service was filed on September 11, 2018; and

WHEREAS, the Defendants both have failed to answer, appear or otherwise object to the relief demanded in the Complaint, and the Clerk of Court entered default against Defendants on October 16, 2018; and

WHEREAS, the Affidavit of William E. Brueckner, sworn to November 1, 2018, and the Declaration of Dr. Amanda Lukes, DC, made under penalty of perjury on November 1, 2018

establish the merit of Plaintiff's claims against Defendants, and establish Plaintiff's right to the relief awarded in this Order;

NOW THEREFORE, it is hereby determined, adjudged, and ordered as follows:

- A. Default judgment is hereby awarded against Defendants, pursuant to FRCP 55(2);
- B. Defendant KRE Publishing, LLC and Ryan Breen shall be and hereby are **ENJOINED** from any further distribution of Dr. Lukes' Works (as that term is defined in the Complaint in this action), pursuant to 17 USC §502;
- C. Any and all copies of Dr. Lukes' Works (as that term is defined in the Complaint in this action) in the possession, custody, or control of Defendant KRE Publishing, LLC, and Ryan Breen are hereby impounded pursuant to 17 USC §503, and Defendants are ordered, jointly and severally, to deliver all such copies to the offices of Plaintiff's counsel on or before December 31, 2019; and
- D. On or before December 31, 2019, Defendant KRE Publishing and Ryan Breen, jointly and severally, shall file with this Court and serve upon Plaintiff's counsel an accounting, pursuant to FRCP 55(2)(a), to enable this Court to make an appropriate calculation of Plaintiff's damages pursuant to FRCP 55(2)(b); and
- E. [REDACTED]
[REDACTED] On or before January 10, 2020, Plaintiff's counsel shall submit an affidavit detailing the costs and attorneys fees' incurred by Plaintiff in connection with this action.

ENTER.

DATED: December 4, 2019, [REDACTED]
Rochester, New York.

s/ Michael A. Telesca

HON. MICHAEL A. TELESKA
United States District Judge